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Honorable Frederick P. Corbit
Chapter 11
Location: 904 West Riverside Avenue
Suite 304
Spokane, WA 99201
Hearing Date: _____
Hearing Time: _____
Telephonic: _____

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON AT SPOKANE

9 In re:
10 GIGA WATT INC.,
11 Debtor.

NO. 18-03197
EX PARTE MOTION FOR EXPEDITED
HEARING AND TO SHORTEN
NOTICE PERIOD AND TIME TO
RESPOND TO LANDLORD,
EXECUTIVE FLIGHT, INC.'s MOTION
TO COMPEL REJECTION OF
UNEXPIRED NON-RESIDENTIAL
REAL ESTATE LEASE

15 NOW COMES, EXECUTIVE FLIGHT, INC ("Landlord"), by and through its
16 undersigned counsel, and pursuant to Federal Rule of Bankruptcy Procedure 9006(c) states
17 and requests as follows:

18 1. Moving party Executive Flight, Inc., has submitted a Motion to Compel
19 Rejection of Unexpired Commercial Real Estate Lease ("Motion"). Debtor previously
20 occupied commercial property ("Premises") owned by Landlord, but has since vacated the
21 Premises.

22 2. Time is of the essence in having this matter heard as Landlord has located a
23 prospective tenant who wishes to take possession of a portion of the Premises on January 1,
24 2019. Debtor's counsel has notified Landlord that it intends to reject the lease. Also,
25 administrative rent is not being paid. Landlord desires to recover possession of the Premises

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SHORTEN NOTICE PERIOD AND TIME TO RESPOND TO
LANDLORD, EXECUTIVE FLIGHT, INC.'s MOTION TO COMPEL
REJECTION OF UNEXPIRED NON-RESIDENTIAL REAL
ESTATE LEASE – 1

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1 to lease a portion to the prospective new tenant. Debtor's attorney has notified Landlord that
2 Debtor does not oppose the relief requested. It is in the best interest of the Debtor and the
3 estate that the lease be rejected as quickly as possible.

4 3. Landlord requests that this Honorable Court enter an order granting an
5 expedited hearing for the Motion to Reject to be heard on December 17, 2018 at 2:00 p.m.

6 5. Landlord also requests that any objections to the Motion be due by December
7 14, 2018 at 12:00 p.m.

8 6. Landlord does not anticipate that any objections will be filed. Landlord
9 believes that the expedited relief requested will not adversely impact any party.

10 7. If no objection to the Motion is filed, Landlord requests that the Court enter an
11 order granting the Motion without a hearing.

12 8. Pursuant to Bankruptcy Rule 9006, this Court has the authority to set a hearing
13 on shortened notice. As detailed in the Motion, the estate has no economic interest in the
14 leased premises and Landlord wishes to recover possession as quickly as possible. This will
15 allow Landlord to lease to the prospective tenant and this will minimize the estate's
16 administrative obligations. The longer the estate is bound by the lease, the greater the
17 damages the estate will suffer.

18 9. Landlord will be prejudiced if the hearing is not heard on an expedited basis
19 since it is not receiving administrative rent and since it might lose the prospective tenant.

20 WHEREFORE, Landlord respectfully requests that this Honorable Court enter an
21 Order:

22 (1) setting an expedited hearing on the Motion to Compel Rejection of Unexpired
23 Non-Residential Real Estate Lease to be heard on December 17, 2018 at 2:00 p.m.; (2)
24 requiring objections to the Motion to Compel Rejection of Unexpired Non-Residential Real
25

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ESTATE LEASE – 2

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1 Estate Lease Motion be filed and served by December 14, 2018 at 2:00 p.m.; (3) entering an
2 order on the Motion to Compel Rejection of Unexpired Non-Residential Real Estate Lease
3 without a hearing if no objections are filed; and (4) granting the Landlord such other and
4 further relief as the court deems proper.

5 DATED this 5th day of December, 2018.

6 CARNEY BADLEY SPELLMAN, P.S.

7
8 By /s/Scott R. Weaver

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ESTATE LEASE – 3

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